

000FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  
REV. 2/01CUSTOMER NO. 22,852  
ATTORNEY'S DOCKET NUMBER  
07680.0034-00000TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371U.S. APPLICATION NO.  
(If known, see 37 CFR 1.5)  
Not Yet Assigned

887579508

INTERNATIONAL APPLICATION NO. PCT/US2004/038059	INTERNATIONAL FILING DATE 15 November 2004	PRIORITY DATE CLAIMED 17 November 2003
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## TITLE OF INVENTION

SKELETAL MUSCLE-DERIVED CELLS AND METHODS RELATED THERETO

## APPLICANT(S) FOR DO/EO/US

Peter C. Yaeger  
 Jeffrey D. Stewart  
 Bruce M. Wentworth

Applicant(s) herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4.  The US has been elected by the expiration of 19 months from the priority date (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) :
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed with the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154 (d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10.  An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11.  Information Disclosure Statement under 37 CFR 1.97 and 1.98
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A **FIRST** preliminary amendment.
14.  A **SECOND** or **SUBSEQUENT** preliminary amendment.
15.  A Substitute specification.
16.  A change of power of attorney and/or address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18.  A second copy of the published international application \_\_\_\_\_ under 35 U.S.C. 154 (d)(4).
19.  A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4).
20.  Other items or information:
  - a.  Copy of cover page of International Publication No. WO 2005/049810 A1
  - b.  Form PCT/IB/318, Notification Relating to Priority Claim mailed March 3, 2005
  - c.  Form PCT/IB/308, First Notice mailed June 23, 2005 from the International Bureau
  - d.  Form PCT/IB/308, Second and Supplementary Notice mailed March 23, 2006 from the International Bureau

AP20 Rec'd PCT/PTO 16 MAY 2006

U.S. APPLICATION NO. (If known, see 37CFR 1.5) Not Yet Assigned <b>124579508</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US2004/038059</b>		ATTORNEY'S DOCKET NUMBER <b>07680.0034-00000</b>																																																																																								
<p>21. <input checked="" type="checkbox"/> The following fees are submitted:</p> <table> <tr> <td colspan="2"><b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b></td> <td><b>\$300.00</b></td> <td>Applicant Use</td> <td>Office Use Only</td> </tr> <tr> <td colspan="2">National Stage Search Fee.....</td> <td>\$500.00</td> <td></td> <td></td> </tr> <tr> <td colspan="2">National Stage Examination Fee.....</td> <td>\$200.00</td> <td></td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></td> <td><b>\$1,000.00</b></td> <td></td> </tr> </table> <p><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</p> <table> <thead> <tr> <th>Total Sheets</th> <th>Extra Sheets</th> <th>Number of additional 50 or fraction thereof (rounded up to a whole number)</th> <th>Rate</th> <th></th> </tr> </thead> <tbody> <tr> <td>76- 100 =</td> <td>0/50=</td> <td>0</td> <td>x 250.00</td> <td>0.00</td> </tr> </tbody> </table> <p>Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).</p> <table> <thead> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> <th></th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>24</td> <td>- 20 =</td> <td>x \$50.00</td> <td>\$200.00</td> </tr> <tr> <td>Independent Claims</td> <td>5</td> <td>-3 =</td> <td>x \$200.00</td> <td>\$400.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+\$360.00</td> <td>\$</td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL OF THE ABOVE CALCULATIONS =</b></td> <td><b>\$1,600.00</b></td> <td></td> </tr> </tbody></table> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.</p> <table> <tr> <td colspan="4" style="text-align: right;"><b>SUBTOTAL =</b></td> <td><b>\$1,600.00</b></td> <td></td> </tr> </table> <p>Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest priority date (37 CFR 1.492(f)).</p> <table> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL NATIONAL FEE =</b></td> <td><b>\$1,600.00</b></td> <td></td> </tr> </table> <p>Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property. +</p> <table> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL FEES ENCLOSED =</b></td> <td><b>\$1,600.00</b></td> <td></td> </tr> </table> <table> <tr> <td colspan="4"></td> <td>Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td colspan="4"></td> <td>charged:</td> <td></td> </tr> </table> <p>a. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>06-0916</u> in the amount of <u>\$1,600.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>b. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-0916</u>. A duplicate copy of this sheet is enclosed.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Finnegan, Henderson, Farabow, Garrett &amp; Dunner, L.L.P.  901 New York Avenue, NW Washington, D.C. 20001-4413</p> <p>Konstantin M. Linnik Reg. No. 56,309</p> <p>Dated: May 16, 2006</p> <p><b>CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on May 16, 2006 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Express Mail Label No. EV 684956222 US.</p> <p> Kathy Meuse</p>						<b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b>		<b>\$300.00</b>	Applicant Use	Office Use Only	National Stage Search Fee.....		\$500.00			National Stage Examination Fee.....		\$200.00			<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>\$1,000.00</b>		Total Sheets	Extra Sheets	Number of additional 50 or fraction thereof (rounded up to a whole number)	Rate		76- 100 =	0/50=	0	x 250.00	0.00	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		Total Claims	24	- 20 =	x \$50.00	\$200.00	Independent Claims	5	-3 =	x \$200.00	\$400.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+\$360.00	\$	<b>TOTAL OF THE ABOVE CALCULATIONS =</b>				<b>\$1,600.00</b>		<b>SUBTOTAL =</b>				<b>\$1,600.00</b>		<b>TOTAL NATIONAL FEE =</b>				<b>\$1,600.00</b>		<b>TOTAL FEES ENCLOSED =</b>				<b>\$1,600.00</b>						Amount to be refunded:	\$					charged:	
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Date of Deposit

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By: Kathy Meuse  
Kathy Meuse